IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO. 66 OF 2004

The State of Maharashtra....Appellant.

versus

S. K.Dalvi..... Respondent.

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Mr. S.V. Gajare APP for State.
Mr. P.R. Arjunwadkar for Respondent.

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CORAM ; A.M. KHANWILKJAR, J.

DATED; DECEMBER 20, 2005

P.C.

1. Heard counsel for the parties. Perused the record. Opinion reached by the court below on analaysing the evidence on record of respective withesses is unexceptionable. The evidence of P.w.2 would indicate that the case made in the examination-in-chief has not been disclosed to the police, which fact has been culled out in the cross examination. The court below has discarded the evidence of P.w.3 also on the reason that suspension order was passed against him by the management. In any case, this witness had no opportunity to see as to what actually transpired in the chamber of Dalvi.

2. P.w.2 in her evidence does not say that as soon as she came out of the chamber, she disclosed all the events that unfolded in the chamber of Dalvi, which evidence has been rightly discarded by the court below. On appreciation of evidence on record, in my opinion, it is not possible to take a view different than the one view already taken by the court below. There is no legal evidence on record to record the finding of guilt against the respondent. This appeal therefore should fail and the same is dismissed.

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